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discussing this case with Counsel between February 2-10, 2000. During the conversations the Examiner stated that he had undertaken a search of the art and had identified U.S. Patent Nos. 4,264,479 (Flanagan), 5,719,118 (Crutcher et al.), 4,790,856 (Wixon) and PCT publication WO97/12018 as pertinent references. The Examiner took the position that claims 1-14 appeared to be prima facie obvious under 35 U.S.C. §103(a) in view of these references.

However, the Examiner also stated that the examples and data presented in the patent application demonstrated that certain of the claimed compositions provided unexpected and efficacious results with respect to soil removal. The Examiner took the position that the evidence of the unexpected and efficacious results provided in the examples and data was sufficiently compelling so as to render such compositions patentable and not obvious under § 103(a).

During the conversations, the Examiner and Counsel discussed which of the claimed compositions and composition ranges were explicitly supported by the examples and data and, therefore, were allowable. The claim amendments set forth herein reflect the claim scope deemed to be allowable.

The specification has been amended to correct two minor errors as indicated. Applicant is prepared to provide a Henkel Corporation MSDS supporting the fact that the disclosed Glucopon 600 comprises a distribution of molecules having from 10 to 16 carbon atoms should the Examiner wish to review that document.

Applicant wishes to emphasize that the commercial constituents of the invention are known, of course, to be distribution products. These include the exemplary Tomah Products, Inc. polyalkoxylated amines E-17-5, E-14-2, E-DT-3 and P-DT-2, Shell Neodol 25-7, Union Carbide Tergitol NP-9 and Henkel Corporation Glucopon 600 disclosed in the patent application.

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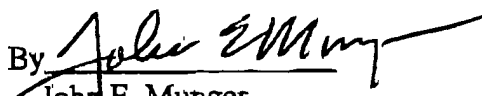
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Therefore, references in the specification and claims to ranges such as " R^3 and R^4 combined include from about 2 to 7 moles of alkoxylated units" or "about 6-10 moles of ethyleneoxy units per mole of alcohol" or " R^2 is from 0 to 7 moles of alkoxylated units" or "9 moles of ethylene oxide" are plainly intended to mean that the predominate molecules are within the stated range or number and such references are not intended to exclude the possibility that lesser amounts of the constituents could fall outside the range or number.

CONCLUSION

Applicant respectfully submits that the application and claims 1-24 are in condition for allowance. Early and favorable action is requested. The Examiner is invited to contact the undersigned if that would be of assistance in resolving any remaining issues with respect to the application.

Respectfully submitted,

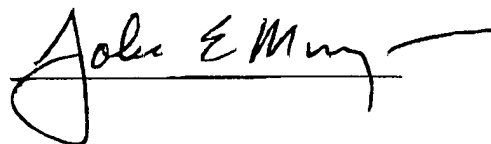
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following documents: (1) Preliminary Amendment, Summary of Telephone Communications With The Examiner And Certificate of Facsimile Transmission Amendment; (2) Amendment Transmittal Letter all involving patent application serial no. 09/324,785 are being facsimile transmitted to Examiner John R. Hardee, Ph.D. at the U.S. Patent and Trademark Office, facsimile no. 703/305-3599, Group Art Unit 1743, on February 23, 2000.

Date of signature: February 23, 2000.



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